

JUSTIFICATION AND APPROVAL
FOR EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs
Office of Acquisition Operations
Technology Acquisition Center
260 Industrial Way West
Eatontown, New Jersey 07724
2. Description of Action: The proposed action is for a firm-fixed-price task order (TO) issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC), for Cisco brand name SMARTnet Maintenance Service to include Cisco Advanced Services. The period of performance of this TO is one year, with three one-year option periods.
3. Description of Supplies or Services: The proposed action will provide Cisco brand name SMARTnet Maintenance Services and Cisco Advanced Services for the Cisco video and video endpoint networking devices that make up the Enterprise Video Teleconferencing Network (EVTN). The TO will include the current requirement for these services for the equipment located in Core EVTN infrastructure, as well as optional maintenance for additional equipment located throughout the Department of Veterans Affairs (VA) field offices. The EVTN infrastructure is dispersed throughout VA. Cisco devices make up 100% of VA's EVTN infrastructure and well over 80% of individual video endpoints. VA currently has more than 5,000 Cisco video devices in its EVTN infrastructure and requires maintenance and support for these devices. Cisco SMARTnet Maintenance Service is a technical support service that gives anytime access to Cisco engineers and Cisco.com resources to resolve critical network issues. SMARTnet Maintenance Service provides registered access to Cisco.com for online technical assistance; software support on licensed operating system software for covered Cisco products, including maintenance, minor, and major releases; access to the Cisco Technical Assistance Center (TAC) 24 hours a day/seven days a week; Cisco video device software updates and upgrades; and advance replacement of failed hardware, eight hours a day/five days a week/next business day (8x5xNBD) or 24 hours a day/seven days a week/four hour delivery (24X7X4), depending on the type of equipment requiring support. Cisco Advanced Services provide support for network optimization reporting, hardware and software strategies, change management, and design services. The total estimated value of this TO, including all option periods, is
4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 253j(b) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(B), entitled "Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized."

5. Rationale Supporting Use of Authority Cited Above: Based on the market research, as described in paragraph 8 of this document, it was determined that limited competition is available among authorized resellers for the aforementioned services. The existing EVTN infrastructure and network management platform currently in place are based on Cisco brand name platforms, and only these services will provide the support necessary for maintenance of the EVTN. The use of any other service and support will impact VA by severely degrading the ability to support and manage the existing EVTN infrastructure's hardware and software. Furthermore, only Cisco resellers can provide direct access to the core Cisco software, licensing, and support necessary to support these products. Without this access, the latest features, corrections of security vulnerabilities, and product enhancements will not be received. Any potential source must have access to these proprietary resources in order to provide the required maintenance support. VA also requires any potential source to be a Cisco Gold Certified Partner as maintenance provided by a non-Cisco Partner would void the Original Equipment Manufacturer (OEM) warranty on the products currently under maintenance support. If the OEM warranty becomes void, the Government will be required to replace any defective unserviceable product at its own cost. In addition, if an alternative maintenance service is selected, this would result in the need to replace all EVTN core hardware and software resulting in substantial duplication of costs. The estimated replacement costs associated with the current stock of EVTN hardware and software is in excess of \$50 million, an amount which would not be recovered through competition. Reinvestment in these services maintains access to intellectual capital of subject matter experts in both EVTN staff and Information Technology (IT) Field Operations. Based on the above information, the Government's technical experts concluded that only Cisco resellers have the required access to provide these services and meet all of VA's requirements.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Although the Government is limiting competition as a result of specifying a brand name, there are multiple authorized resellers of the brand name services on the NASA SEWP IV GWAC. Additionally, this Justification and Approval and the Request for Quote (RFQ) will be submitted to all four NASA SEWP IV GWAC groups in order to fully notify all interested parties. Any proposals received will be evaluated. Furthermore, in accordance with FAR 5.301 and 16.505(b)(2)(D)(1)(i), this action will be synopsisized at award on the Federal Business Opportunity Page (FBO) and the justification will be made publicly available on FedBizOpps.gov within 14 days after award in accordance with FAR 16.505(b)(2)(ii)(D)(1).

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in future acquisitions for this requirement, the Government will continue to conduct market research to ascertain if there are changes in the market place that would enable future actions to be fully competed.

8. Market Research: Market research was conducted in September 2011 utilizing the NASA SEWP IV GWAC Manufacturer Lookup tool, and it was determined that multiple authorized resellers of the required Cisco services are available. In addition, a technical

review of similar maintenance services and support from system vendors such as Polycom, Lifesize, and Sony was conducted in September 2011 by EVTN engineering staff, and the Government determined that those services could not meet its requirements as stipulated in paragraph five. Furthermore, a Request for Information (RFI) was issued by the VA Technology Acquisition Center in December 2011 to all NASA SEWP IV GWAC contract holders. Five responses were received from the following vendors: Dataline LLC / GTRI (large business), Micro Tech LLC (8a and Service Disabled Veteran Owned Small Business), Presidio (large business), Sword & Shield (small business), and World Wide Technologies (large business). In accordance with NASA SEWP recommendations, all four contract groups will be notified of this brand name requirement. However, since at least two vendors from Group B (Service-Disabled Veteran-Owned Small Business) and Group C (Small Businesses) are capable of meeting this requirement, award will be reserved for a vendor from one of these two groups.

9. Other Facts: None